

PATENT APPLN. NO. 10/800,913
RESPONSE UNDER 37 C.F.R. §1.111

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REMARKS

Claim 1 has been canceled. Claims 2-7 and 10 to 14 have been amended.

Throughout the claims, the recitation of the elastic seal being downwardly "shrunk" has been amended to precisely recite that the elastic seal is downwardly --compressed--. The amendment of this recitation is not new matter since it is clear from the description in the specification and from the drawings that the elastic seal is compressed and not shrunk.

Claims 1-6 and 10-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Elias et al. (U.S. Patent No. 5,549,566) (hereinafter: "Elias").

The rejection is moot as applied to claim 1 since, as noted above, claim 1 has been canceled.

Claim 2 has been amended to recite that the transferring passage extends "through the entire longitudinal length" in the peripheral surface of the spike. This amendment is supported by the description in the paragraph beginning on page 14, line 12, of the specification and Figs. 2 and 3 of the present application.

The structure in Elias identified by the Office as being a groove-shaped fluid transferring passage is formed by ribs 56 of

the valve 10. Such passages are annular grooves and do not extend through the entire longitudinal length as required in amended claim 2 of the present application. Therefore, Elias fails to anticipate the medical valve of claim 2 of the present application.

Regarding the rejection as applied to claim 3, applicants respectfully submit that the rejection of claim 3 is based on a mischaracterization of Elias and is improper. The Office characterizes the device of Elias as including a plurality of branch portions 18a. However, numeral 18a is used in Elias to identify the cannula in the embodiment of the device shown in Figs. 3 and 4. There are no branch portions in Elias. Therefore, Elias fails to anticipate the medical valve of claim 3 of the present application.

Claim 4 has been amended to recite that "the spike comprises a plurality of divided bodies which are formed into one pair in axial symmetry and extend along the entire longitudinal length thereof". This amendment is supported by the description in the paragraph beginning on page 22, line 11, of the specification and Fig. 8 of the present application.

The helical spring of Elias, identified by the Office as being a plurality of divided bodies comprising the spike, is not formed

into one pair in axial symmetry. Therefore, Elias fails to anticipate the medical valve of claim 4 of the present application.

Claim 5 has been amended to recite that the spike comprises "two main portions extending along the entire longitudinal length of the spike". This amendment is supported by the description in the paragraph bridging pages 22 and 23 of the specification and Figs. 9 to 11 of the present application.

The ridges 56 of Elias are formed by a plurality of members. If such ridges are formed by two members, then the ridges 56 cannot function as the valve 10. Therefore, Elias fails to anticipate the medical valve of claim 5 of the present application.

Claim 6 has been amended to recite "the top end portion of the spike having an approximately cylindrical shape and solid structure". This amendment is supported by the description in the paragraph beginning on page 26, line 1, of the specification of the present application.

The spike 18 of Elias is not solid. If the spike 18 of Elias were solid, there would be no fluid transferring passage and the function of the device of Elias would be destroyed. Therefore, Elias fails to anticipate the medical valve of claim 6 of the present application.

Claims 10 to 14 have been amended to recite a dependency on claim 2. Since Elias fails to anticipate claim 2, it also fails to anticipate claims 10 to 14.

Removal of the 35 U.S.C. 102(b) rejections of the claims is believed to be in order and is respectfully requested.

Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elias. Claims 7-9 have been amended to depend, directly or indirectly, on claim 2. Since claim 2 has been shown to be patentable over Elias, claims 7 to 9 are *prima facie* patentable.

Removal of the 35 U.S.C. 103(a) rejection of the claims is also believed to be in order and is respectfully requested.

The foregoing is believed to be a complete and proper response to the Office Action dated October 5, 2006, and is believed to place this application in condition for allowance. If, however, minor issues remain that can be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number indicated below.

In the event that this paper is not considered to be timely filed, applicants hereby petition for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 111833.

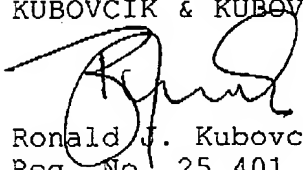
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In the event any additional fees are required, please also
charge our Deposit Account No. 111833.

Respectfully submitted,

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